

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

DECISION AND ORDER

05-CR-6053L

v.

CHARLES SAWYER,

Defendant.

This Court referred all pretrial matters in this indictment to United States Magistrate Judge Marian W. Payson pursuant to 28 U.S.C. § 636(b). In due course, defendant, Charles Sawyer (“Sawyer”) moved to suppress oral and written statements that he made to Rochester Police Officer Martin Logan on the day he was arrested, February 25, 2005.

Magistrate Judge Payson held a suppression hearing at which only Logan testified. No witnesses were called by the defense.

Magistrate Judge Payson filed a thorough Report and Recommendation on November 28, 2005, summarizing the facts, her legal conclusions, and recommended that the motion to suppress be denied. Sawyer filed objections to that Report and Recommendation.


I have reviewed Magistrate Judge Payson’s Report and Recommendation, Sawyer’s objections and the transcript of the suppression hearing has also been made available for my review.

I believe that Magistrate Judge Payson has accurately set forth the facts developed at the suppression hearing, and it appears uncontradicted that Sawyer was advised of his *Miranda* rights, waived them and signed a written statement. There was no evidence of any kind that the *Miranda* rights were not given or that the statement was involuntary. I believe, therefore, that defendant's motion to suppress should be denied for the reasons set forth in Magistrate Judge Payson's Report and Recommendation.

CONCLUSION

I adopt and accept the Report and Recommendation (Dkt. # 44) of United States Magistrate Judge Marian W. Payson. Defendant's motion to suppress statements (Dkt. # 27) is denied.

IT IS SO ORDERED.



DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
January 5, 2006.